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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,150	11/01/2000	Thomas D. Petite	81607-1090	3187

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Thomas Kayden Horstemeyer & Risley LLP
100 Galleris Parkway
Suite 1750
Atlanta, GA 30339

EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 06/01/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,150

Applicant(s)

PETITE ET AL.

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-38 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13 and 15-29 is/are rejected.
- 7) ☒ Claim(s) 11 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 6, 21, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nap et al (U.S. Patent 6,246,677).

Nap et al discloses the invention (**claims 1, 3, 6, 21, and 26**) as claimed including a distributed data monitoring and control system suitable for residential automation applications, comprising:

- (a) at least one sensor suitably integrated with a residential system configured to provide a sensor data signal (see Figs. 1, 7, col. 5, lines 65-67, col. 6, lines 1-6, and col. 7, lines 55-58).
- (b) at least one wireless communication device communicatively coupled with the at least one sensor configured to receive the sensor data signal (see Figs. 3 and 7, col. 6, lines 20-32, and

col. 8, lines 59-65) and format a first encoded data signal comprising a communication device identifier and a predetermined function code responsive to the received sensor data signal (see Fig. 15B, col. 18, lines 59-62) wherein the wireless communication device broadcasts the first encoded data signal over a wireless transmission media to a gateway communicatively coupled to a wide area network (see Figs. 5b and 6b, elements 26, 24, and 34) configured to receive (see Figs. 3, 4, 6a, and 6b, col. 6, lines 33-45, 53-63) and translate the first encoded data signal into a wide area network data transfer protocol for transmission to a computing device configured to collect, process, and store, the received sensor data signal (see Figs. 5b, 10, 24, and 15A, element 204, col. 14, lines 35-56, and col. 18, lines 28-32).

Regarding claim 10, Nap et al discloses the computer program uses a look-up table that associates at least one parameter value associated with the sensor to a data input (see Fig. 15D, col. 18, lines 33-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims **2, 4, 5, 7-9, 12, 13, 15-20, 22-25, and 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nap et al (U.S. Patent 6,246,677) in view of Ardalan et al (U.S. Patent 6,396,839).

Regarding claims 2, 5, and 25, Nap et al does not disclose a device is configured to broadcast the first encoded data signal via a transmission medium selected from the group consisting of radio frequency (RF), infra-red (IR), and ultrasound. However, Ardalan et al disclose device is configured to broadcast the first encoded data signal via a transmission medium selected from the group consisting of radio frequency (RF), infra-red (IR), and ultrasound (see Fig. 1, col. 2, lines 35-41). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the transmission medium selected from the group consisting of radio frequency (RF), infra-red (IR), and ultrasound teaching by Ardalan et al with Nap et al. The motivation for doing so would have been to provide to flexibly communicate with different media. Therefore, it would have been obvious to combine Ardalan et al and Nap et al to obtain the invention as specified in the claims 2, 5, and 25.

Regarding claims 4, 12, 13, and 15-20, Nap et al does not disclose the device broadcasts the first encoded data signal to a computing device configured to execute a computer program having a second segment for evaluating the first encoded data signal to identify a parameter value associated with the sensor. However, Ardalan et al. discloses the device broadcasts the first encoded data signal to a computing device configured to execute a computer program having a second segment for evaluating the first encoded data signal to identify a parameter value

associated with the sensor (see col. 2, lines 52-67, and col. 3, lines 1-37). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the device broadcasts the first encoded data signal to a computing device configured to execute a computer program having a second segment for evaluating the first encoded data signal to identify a parameter value associated with the sensor teaching by Ardalan et al with Nap et al. The motivation for doing so would have been to provide to examine the address if it is an individual meter address or a broadcast address (see col. 2, lines 62-63). Therefore, it would have been obvious to combine Ardalan et al and Nap et al to obtain the invention as specified in the claims 4, 12, 13, and 15-20.

Regarding claims 7-9 and 22-24, Nap et al does not disclose the gateway is configured to translate the first encoded data signal into TCP/IP for communication over the WAN. However, Ardalan et al discloses the gateway is configured to translate the first encoded data signal into TCP/IP (see col. 1, lines 35-38). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine TCP/IP for communication over the WAN teaching by Ardalan et al with Nap et al. The motivation for doing so would have been to provide to link with dissimilar devices. Therefore, it would have been obvious to combine Ardalan et al and Nap et al to obtain the invention as specified in the claims 7-9 and 22-24.

Regarding claims 27-29, Nap et al does not disclose the step of providing access to the stored parameter information is accomplished using a web browser. However, Ardalan et al discloses the step of providing access to the stored parameter information is accomplished using a web browser (see Figs. 4 and 5, col. 4, lines 46-62). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the step of providing access to

the stored parameter information teaching by Ardalan et al with Nap et al. The motivation for doing so would have been to provide to read or set the parameters of an individual meter or group meters. Therefore, it would have been obvious to combine Ardalan et al and Nap et al to obtain the invention as specified in the claims 27-29.

Allowable Subject Matter

6. Claims 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 30-38 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Sneeringer (U.S. Patent 6,618,709) discloses computer assisted and/or implemented process and architecture for web-based monitoring of energy related usage, and client accessibility therefor.

(2) Ehrke et al (U.S. Patent 6,538,577) discloses electronic electric meter for networked meter reading.

(3) Moore (U.S. Patent 6,133,850) discloses method and apparatus for reducing channel capacity required to report a billable consumption of a utility commodity.

(4) Eaton et al (U.S. Patent 5,883,886) discloses utility meter readings on a reverse channel of a two-way paging system.

(5) Argyroudis (U.S. Patent 5,892,758) discloses concentrated subscriber wireless remote telemetry system.

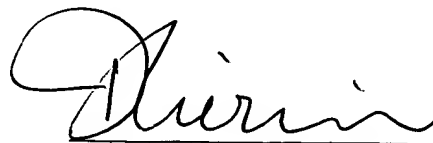
9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Phirin Sam whose telephone number is (703) 308 - 9294. The Examiner can normally be reached on Monday - Friday from 8:30AM - 4:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Douglas W. Olms can be reached at (703) 305 - 4703. The fax number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217 - 9197 (toll-free).

Respectfully submitted,

Date: May 25, 2004

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

Phirin Sam
Patent Primary Examiner